

Applicant : Isaac Ostrovsky et al.  
Appl. No. : 10/017,534  
Examiner : Patrick J. Connolly  
Docket No. : 701470.19

### REMARKS

Claims 1-63 are currently pending, of which claims 1, 16, 22, 33, 53, and 58 are independent. Claims 1, 2, 9, 10, 11, 13, 16, 20, 22, 24, 33, 35, 36, 42, 43, 53, 56, and 58 have been amended. Claims 74-87 have been added. "First sample light beam" and "second sample light beam" are now referred to as "sample light beam" and "reflected sample light beam" respectively. Further, the phrasing "at least one of" has been removed from claims 1, 16, and 56 to overcome the Examiner's objections to the claims being unclear. Applicants believe that the claims are now currently in condition for allowance over the cited prior art.

As to claims 1 and 58, while the Zeylikovich reference may teach an apparatus having first and second beam splitters, the reference does not disclose having a reflected sample light beam and a diffracted reference light beam combined in the second beam splitter to form a combined light beam as required by Claim 1. Nor does Zeylikovich disclose combining a reflected sample light beam with a diffracted light beam by a beam splitter to form a combined light beam as required by Claim 58.

As to claims 3-5, because claim 1 is patentably distinguishable over the Zeylikovich reference, then so are claims 3-5, which are dependent on claim 1.

Further, with regard to the Zeylikovich reference in combination with Swanson (U.S. Patent No. 5,459,570), and the Zeylikovich reference in combination with Tearney (U.S. Patent No. 6,134,003), none of these references, in combination or separately, teach or suggest combining the elements of the instant invention. Specifically, none of these references, in combination or separately, teach or suggest having a reflected sample light beam and a diffracted reference light beam combined in a second beam splitter as required by claims 1, 22, and 33;

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having a second beam splitter form two combined light beams from the reflected sample beam and the diffracted reference beam, as required by claim 16; having a second beam splitter for generating two combined light beams from a reflected sample light beam and a reference light beam as required by 53; or combining a reflected sample light beam with a diffracted light beam by a beam splitter to form a combined light beam as required by claim 58.

Accordingly, independent claims 1, 16, 22, 33, 53 and 58 are patentable over the cited references, in combination or separately, as is the corresponding dependent claims.

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**Conclusion**

Prompt and favorable action on the merits of the claims is earnestly solicited. Should the Examiner have any questions or comments, the undersigned can be reached at (949) 949-852-7745.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to Deposit Account No. 150665.

Respectfully submitted,

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By: \_\_\_\_\_

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Dated: June 15, 2004

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